

From: Major Patrick Darling and Dr Stephen Marsh-Smith

The Rt Hon Richard Benyon
Secretary of State for Natural Environment and Fisheries
DEFRA
Nobel House
17 Smith Square
London SW1P 3JR

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Dear Secretary of State

A Plan for managing the rivers and fisheries of England and Wales

We are writing as two individuals very concerned with the Wye fishery, which, in addition to main river Wye, includes the rivers Lugg, Arrow and Monnow. The catchment is represented by these organisations, of which we are officers and members:

- Wye Salmon Fishery Owners Association
- The Monnow Fisheries Association
- The Lugg and Arrow Fisheries Association
- The Wye and Usk Foundation
- Various fishing clubs and associations

The current need to reduce public expenditure, the requirement to fulfil the ambition for the Water Framework Directive and the opportunity to boost the rural economy are all powerful drivers to manage and restore wild fisheries on the Wye and its tributaries.

Unfortunately, we are far from certain that the current arrangements offer value for money, adequately involve stakeholders, particularly those that are not public sector, or allow fisheries to achieve their full potential.

Current Situation

Unlike Scotland, whose system of district fishery boards successfully manages their salmon resources, England and Wales's fisheries have been under the control of the Environment Agency and its predecessors since 1974. In addition to salmon, the Agency's remit includes trout and coarse fish. It also extends to recreation, navigation and biodiversity (conservation). This wide remit often gives rise to internal conflict. For example, the Agency's remit to protect the Wye Special Area for Conservation (designated under the Habitats Directive) and its fish can be seen to be at odds with their other functions. Some of these functions are also duplicated in Natural England and the Countryside Council for Wales.

A national rod licence is set at one rate for coarse fish and another for migratory fish. Further funding has been through grant-in-aid and together these have been the principal sources of income for the Agency's fisheries function.

Though the Water Resources Act 1991 permits the levy of a 'fishery rate', this was eschewed as being too difficult to manage. The situation is further complicated for the river Wye because the river runs from Wales to England and back through Wales before becoming the boundary between the two nations at Monmouth.

Perhaps unwisely, the Agency has split the management of the Wye between two countries, unlike rivers on the Scotland/ England or Eire/Northern Ireland borders which are managed more pragmatically.

Recent Developments on the River Wye

In response to declining runs of salmon and almost complete loss of wild trout, a trust was formed to allow funding to be used to make a difference. The Wye and Usk Foundation (WUF), a registered charity, has raised funds to undertake such activities as buying off nets and putchers in the estuary (which catch salmon which then do not run the river or spawn), restoring upper sections affected by acid rain, restoring fish passage by removing redundant impassable weirs, habitat restoration and eradication of invasive weeds. A total of £8 million, much of it from private or non-public sources, has been raised to date. A scheme to market the fishing to anglers places funds in owners' hands which are returned voluntarily (in part) to act as core funding for the Foundation. All aspects of fishery management have been undertaken by the Foundation. Most importantly, the Foundation can demonstrate unit costs of delivery are often less than 1/3 of similar publically-financed activities

A Potential Solution

Given the current drive to reduce public expenditure, develop self-sustaining funding and jobs; deliver productive and thriving fisheries and meet the requirements of the Water Framework Directive, the Habitats Directive and the UK Biodiversity Action plan, we submit that English and Welsh fisheries could be better and more cost effectively managed by the private, voluntary sector.

There would need to remain a residual body within Government to oversee freshwater fisheries (for example, to ensure compliance with EU and other international obligations), but this could be much reduced from the current size and budget of the Agency's fisheries function. For the purposes of this proposal, we shall call this the Central Fisheries Regulatory Body (CFRB).

A. Finance

We would envisage finance from the following sources:

1. A single rod licence would raise funds to cover core staffing and provide the budget of the CFRB.
2. The single rod licence would also fund bailiffing to prevent illegal fishing and hence protect the rod licence revenue stream.
3. A statutory rate would be levied on fisheries to cover additional costs not met from licence. This is already provided for in the 1991 Act and would not require legislation. De facto, this

already takes place as a voluntary levy on the Wye fishery owners. Of course, this relies on the generosity of owners, and places a disproportionate burden on those who contribute. However, we are confident that with a transfer of functions to a local fishery body, opposition to such a 'rate' or 'levy' would be minimal.

4. An elected / appointed board of a LSFG, drawn from local interests with elected representatives from the whole fisheries sector of that catchment would be able to develop other funding streams using monies levied by rates as core funding. The Wye and Usk Passport for example is already generating funding.
5. Bodies such as the Foundation would continue to raise additional funds using the funds raised by LSFG as core. Charitable rivers trusts would form the delivery arm but not the constituted Local Stakeholder Fishery Group (LSFG). The Tweed Foundation and the Tweed Commission works in this way
6. Further savings could be made by the consolidation of the two conservation bodies, the Agency and Natural England / Countryside Council for Wales (CCW). We envisage a consolidated residual body monitoring the performance of the LSFG but with much reduced staffing and hence demand for public funding.

B. Management and Control

1. With the empowerment of LSFGs, the extent to which activities such as the deployment of extra bailiffs would be limited only by each LSFG's ability to raise finance, incentivising fund raising.
2. The CFRB would need to ensure delivery against agreed plans, particularly in respect of EU and international obligations.
3. All species of fish and riverine fauna would be managed by the LSFG and where applicable the LSFG could, where appropriate, take over responsibility for statutory designation of sites for conservation or protection of key aquatic species.
4. Scientific research would be sought from private organisations and funded by those describing the need.
5. Monitoring of fisheries and species or sites for nature conservation purposes would be carried out by the LSFG

C. Regulation

1. It would be necessary to have some residual central control of such issues as stocking, fish movements and the like and this would remain with the CFRB
2. Flood risk management would remain as at present with the Environment Agency or any successor with appropriate consultation with LSFG

3. At present, the Salmon and Freshwater Fisheries Act 1975 (as amended by the recent Marine Act) is managed by the Environment Agency. The Agency or any successor, such as a CFRB, would be needed to vet the conduct and progress of LSGs and maintain an overall governance role, such as the approval of boards or management structures

4. Government would retain the ability to empower LSGs, perhaps by simple Order as occurs in Scotland with salmon fishery boards. LSGs would thus be able to manage, develop, protect and finance their fisheries, but the overall statutory control would rest with Government. The CFRB could be charged to provide guidance to and light-touch supervision of LSGs.

5. There would also need to be a significant change in the way negative land-use issues (the cause of diffuse pollution) are addressed. These are currently in the remit of DEFRA/ WAG but a more collaborative effort, locally managed by a LSG, including the charitable trust providing guidance, support and advice in combination with the statutory bodies confined solely to a regulatory role, would, we suggest, deliver greater results than any amount of centrally-generated guidance has done to date. The reality is that fishery owners and agricultural interests are often well known to each other on any particular river. Indeed, fishery owner and farmer can be the same individual. There is much to recommend a locally-managed catchment approach.

A Pilot Scheme

Setting up such a scheme nationally should perhaps be preceded with a pilot plan and we submit the Wye catchment is of a sufficient size and in such a current state of development that it offers the opportunity to set up a working model. Such an initiative would require the joint approval of WAG and DEFRA, although the detail of how to make a cross-border river management work can be taken from the model of the Tweed Commissioners. The Foundation and effective fishery-owner groups are already in place from which the LSG could be formed. Subscription by the majority of owners is already taking place via the Foundation. Making this statutory (by way of a 1991 Act levy or rate) would therefore not cause massive opposition and the LSG would provide accountability and transparency.

- The Wye is a major coarse, trout and salmon fishery. We are confident that the recreational issues eg navigation, can be accommodated as they already are on the Wye.
- The SAC status of the Wye and other biodiversity features and issues further provide a suitable 'testing ground' for any such pilot.
- A marketing scheme for anglers is already in place – the Passport scheme – which would ensure angler support.
- Fundamentally, the river needs managing at a local level. We firmly believe that such a pilot would deliver Government policy, not only for fisheries, but also with respect to reducing demands on public funding and ensuring local stakeholder engagement.

- There would be additional benefits to the rural economy as we can be as certain as is possible that more employment would result from a given sum spent than is currently the case.
- The Pilot would transfer the costs of the fisheries function to the beneficiaries of that function and would drive decision-making to the lowest level and reduce bureaucracy in accordance with Government policy.

We submit this outline plan for your consideration and would be delighted for the opportunity to develop the plan and discuss the detail further.

Yours sincerely

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